

REMARKS

All claims are pending, of which Claims 1, 19, 24, and 36-40 are independent. In response to the Restriction Requirement, the Applicants elect the claims of Group II (Claims 19-23, 37, 39, 49-51, and 55-59) for prosecution with traverse. Applicant reserves the right to file a continuation application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Traversal of Restriction Requirement

Applicants respectfully request that the Examiner combine the claims of Group I (Claims 1-18, 36, 38, 40-48, drawn to methods for storing data value in a multidimensional database, storing the data value based on the hierarchy and the data value retrievable by a single fetch operation) with the claims of Groups II (Claims 19-23, 37, 39, 49-51 and 55-59, drawn to methods for storing data values in proximity to associated data values, the data value comprising aggregated values and detail values and aggregating at least one of the dimensions having a hierarchy by traversing each of the aggregate values included in the dimension) and Group III (Claims 24-35, drawn to a memory having cache and a database engine; a kernel and sparsity manager included in the database engine), all belonging to Class 707.

According to MPEP § 803, the two criteria for a proper requirement for a restriction, are that the inventions must be independent or distinct as claimed, and that there must be a serious burden on the Examiner. It is noted that the requirement of a serious burden on the Examiner may be *prima facie* shown if the claims at issue have separate classifications. This *prima facie* showing, of course, may be rebutted by an appropriate showing by the Applicants.

In this case, the Examiner asserts that: the Group I claims are drawn to the subject matter of class 707, subclass 2 (access augmentation or optimizing), the Group II claims are drawn to the subject matter of class 707, subclass 4 (query formulation, input preparation, or translation), and the Group III claims are drawn to the subject matter of class 707, subclass 10 (distributed or remote access). It is evident from the descriptions corresponding to each of these subclasses, that

the subject matter of these three subclasses are directed to substantially the same art, i.e., access/retrieval of database data.

Class 707, subclass 2, is defined as:

“Access augmentation or optimizing: This subclass is indented under subclass 1. Subject matter directed to methods of access, including query path traversal, mapping, and reuse, joining tables in relational databases, view composition, index choice, bit mapping, and query reuse.”

Class 707, subclass 4, is defined as:

“Query formulation, input preparation, or translation: This subclass is indented under subclass 3. Subject matter directed to methods for translating an external access to a database or files into internal access to the database or files, and translation of an external query format into an intermediate or internal query format.”

Class 707, subclass 10, is defined as

“Distributed or remote access: This subclass is indented under subclass 1. Subject matter directed to management of distributed database data and file access and retrieval, and retrieval of database data and files from a centralized or remote site.”

It is submitted that even though these three groups may be assigned to different subclasses, any burden on the Examiner in this particular case would be minimal, as the field of search between the three groups would be substantially similar, if not identical. It is therefore urged that the three groups, I, II and III, be rejoined.

Moreover, it should be noted that the features described in the claims of Groups I, II and II have already been examined by the Office together, as evidenced by the three substantive Office Actions issued in this case. In particular, the Office mailed an Office Action dated August 27, 2002, a final Action dated February 11, 2003, and an Action dated October 2, 2004. In each of the previous substantive Actions, the Office examined the claims of Groups I, II and III together. There would be no additional burden on the Examiner to continue that examination.

Furthermore, a search strategy for the Claims of Group I that seeks out art references related to *storing based on the data values indicated by the hierarchy such that associated data values are retrievable by a single fetch* will undoubtedly find references that relate to *storing data values based on the data values indicated by the hierarchy and stored on the storage medium in proximity to associated data values*. Likewise, a search strategy directed to Claims of Group III to seek out references related to a *storage organization of the data values from a predetermined hierarchy such that associated data values are retrievable by a single fetch operation*, will also result in similar prior references. As a result, the Examiner would not be placed under an undue burden if the claims of Groups I, II and III are combined. Hence, Applicants respectfully request reconsideration of the restriction requirement.

Applicants also point out that the instant application was filed after the implementation date of the General Agreement on Tariffs and Trade (GATT). Therefore, if the present Restriction Requirement is maintained at this late stage of prosecution and two Divisional Applications are now filed to prosecute claims to the non-elected inventions, then loss of patent term for at least some aspects of the invention would result. Such loss of valuable patent term could be seriously detrimental to the Applicants. This fact also weighs against the restriction argument.

New Claims

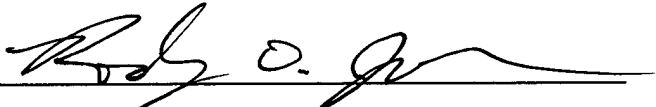
New Claims 60, 61 and 62, which depend on the independent Claims of Group II (Claims 19, 37 and 39, respectively), are being added to the application. These new dependent claims require that *associated data values are retrievable by a single fetch*. This limitation is similarly required by the independent claims of Groups I and III.

CONCLUSION

In view of the above, the restriction requirements between Groups I, II and III have been successfully traversed, and it is requested that these groups be rejoined for examination. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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